

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT G. SAENZ,

Plaintiff,

v.

BRINTON, *et al.*,

Defendants.

Case No. 1:23-cv-01303-KES-BAM (PC)

ORDER GRANTING PLAINTIFF'S MOTION
FOR LEAVE TO AMEND
(ECF No. 35)

ORDER DIRECTING CLERK OF COURT TO
FILE AMENDED COMPLAINT LODGED
ON SEPTEMBER 26, 2025 AS THIRD
AMENDED COMPLAINT
(ECF No. 36)

Plaintiff Robert G. Saenz ("Plaintiff") is a state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On February 29, 2024, the Court screened the first amended complaint and issued findings and recommendations that this action be dismissed for failure to state a cognizable claim upon which relief may be granted because it is barred by *Heck v. Humphrey*, 512 U.S. 477, 482 (1994). (ECF No. 22.) Plaintiff filed objections to the findings and recommendations on April 2, 2024. (ECF No. 26.)

On August 22, 2024, while the findings and recommendations remained pending before the assigned District Judge, Plaintiff filed a motion to requesting leave to file a second amended complaint and lodged a proposed second amended complaint with the court. (ECF Nos. 30, 31.)

1 Plaintiff argued that this action was not *Heck*-barred because he is a “lifer,” serving an
2 indeterminate life sentence with the possibility of parole, and under California law, the loss of
3 good time credits would not affect his potential release date. (ECF No. 31, p. 2.) Plaintiff stated
4 that he had cured the deficiencies identified in the Court’s screening order and requested leave to
5 file his proposed second amended complaint for screening by the Court. (ECF No. 31.)

6 On August 26, 2024, the Court, finding it appropriate, vacated the February 29, 2024
7 findings and recommendations, granted Plaintiff’s motion for leave to file a second amended
8 complaint, and directed the Clerk of the Court to file the amended complaint lodged on August
9 22, 2024, as the second amended complaint. (ECF No. 32.) Plaintiff’s second amended
10 complaint has not yet been screened.

11 On September 16, 2025, Plaintiff filed the instant motion requesting leave to amend his
12 complaint. (ECF No. 35.) Plaintiff submits that while waiting for the Court’s screening order,
13 living conditions at Mule Creek State Prison have worsened. According to Plaintiff, in the last
14 six months there has been an increase in violence causing much concern. Officers have
15 conducted person and cell searches in an effort to quash weapon-making abilities. Plaintiff
16 contends that the cell searches have been conducted on a large scale, and entire cell blocks or
17 units are completely searched. Prisoner property “is overlooked, and thrown about, so that a pile
18 of court, ongoing case files are subjected to search and destruction. Without careful treatment,
19 piles of motions, petitions, workproduct [sic] in state and federal courts are mixed, and cellmates
20 papers are intertwined, a mess to deal with.” (*Id.* at 2.) Plaintiff asserts that no new theory is
21 advanced in the amended complaint, and the amended complaint will relate back to the date the
22 lawsuit was filed. Plaintiff contends that if it does not, then the statute of limitations may
23 endanger this action. Plaintiff contends that the facts and allegations made in the amended
24 complaint are similar to those previously set forth in the original complaint. (*Id.* at 2-3.) Plaintiff
25 also asserts that the amendment set forth defendants in accord with the previous complaint, but
26 “changed to clarify and easier to read and understand without the court having to search or
27 match.” (*Id.* at 3.) Plaintiff additionally contends that the filed amended complaint was lost or
28 destroyed by the searching custodial staff, and he solely requests to amend so that he retains a

1 correct copy. (*Id.*)

2 Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend the party's
3 pleading once as a matter of course at any time before a responsive pleading is served.

4 Otherwise, a party may amend only by leave of the court or by written consent of the adverse
5 party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). "Rule 15(a)
6 is very liberal and leave to amend shall be freely given when justice so requires."

7 *AmerisourceBergen Corp. v. Dialysist West, Inc.*, 465 F.3d 946, 951 (9th Cir. 2006) (citation and
8 quotation omitted). However, courts "need not grant leave to amend where the amendment: (1)
9 prejudices the opposing party; (2) is sought in bad faith; (3) produces an undue delay in litigation;
10 or (4) is futile." *Id.*

11 In considering the relevant factors, the Court finds no evidence of prejudice, bad faith,
12 undue delay in litigation, or futility. Plaintiff's second amended complaint has not yet been
13 screened, and no defendants have been served or have appeared in this action. Plaintiff's motion
14 to amend shall be granted. The Court will screen Plaintiff's third amended complaint in due
15 course.

16 Accordingly, IT IS HEREBY ORDERED as follows:

- 17 1. Plaintiff's motion for leave to file a third amended complaint, (ECF No. 35), is
18 GRANTED;
- 19 2. The Clerk of the Court is DIRECTED to file the amended complaint lodged on September
20 26, 2025, (ECF No. 36), as the third amended complaint; and
- 21 3. Plaintiff's third amended complaint will be screened in due course.

22
23 IT IS SO ORDERED.

24 Dated: October 15, 2025

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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